



ZFD
Date Allowed: June 15, 2007
Docket No.: 248772US2CRL



COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/777,185

Applicants: Timothy David FARNHAM, et al.

Filing Date: February 13, 2004

For: METHODS OF CONTROLLING TRANSMISSION
POWER LEVELS IN AIR INTERFACE CHANNELS

Group Art Unit: 2618

Examiner: Nguyen, T.

SIR:

Attached hereto for filing is the following paper:

COMMENTS ON EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

Our check in the amount of **\$0.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Eckhard H. Kuesters

Eckhard H. Kuesters

Registration No. 28,870

Customer Number

22850

(703) 413-3000 (phone)
(703) 413-2220 (fax)

Fred L. Braun
Registration No. 56,123



DOCKET NO: 248772US2CRL

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF : DATE ALLOWED: JUNE 15, 2007
TIMOTHY DAVID FARNHAM, ET AL. : EXAMINER: NGUYEN, T.
SERIAL NO: 10/777,185 :
FILED: FEBRUARY 13, 2004 : GROUP ART UNIT: 2618
FOR: METHODS OF CONTROLLING :
TRANSMISSION POWER LEVELS IN :
AIR INTERFACE CHANNELS

COMMENTS ON EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

The Examiner's Statement of Reasons for Allowance, appearing on page 2 of the Notice of Allowability (PTOL-37) mailed on June 15, 2007, fails to distinguish between the recitations set forth in independent Claim 1 and independent Claims 7, 9, 10, 16 and 18 and the claims that depend thereon and vice versa.

More specifically, the examiner's reasons for allowance appearing on lines 4-14 of page 2 of the Notice of Allowability implies that the same method steps are present in each of the independent Claims 1, 7, 9, 10, 16 and 18. This is incorrect. Method Claim 1 is the only method claim that recites the steps mentioned by the examiner while method Claims 7 and 9 recite different steps for allocating power levels. Independent apparatus Claim 10 recites structural limitations which are capable of performing the method steps of Claim 1.

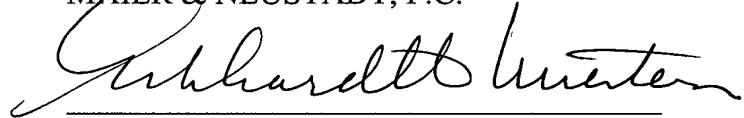
Furthermore, independent apparatus Claims 16 and 18 are directed to an apparatus for allocating power levels to transceivers.

Application No. 10/777,185
Reply to Notice of Allowance of June 15, 2007

Accordingly, the examiner's reasons for allowance only apply to independent Claim 1 and dependent Claims 2-6 while none of the reasons for allowance apply to independent Claims 7, 9, 10, 16 and 18 and the claims that depend thereon.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

Fred L. Braun
Registration No. 56,123

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

I:\ATTY\FLB\COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE\248772US-COMMENTS ON EXAMINER'S STATEMENT.DOC